

# EXHIBIT 4

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl:MDL NO. 1358 (SAS)  
Ether ("MTBE") :  
Products Liability :  
Litigation :

In Re:

City of New York

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April 17, 2008

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Videotaped Deposition of  
JAMES J. ROBERTS, held in the law  
offices of McDermott, Will & Emery, 340  
Madison Avenue, New York, New York,  
beginning at approximately 10:15 a.m.,  
before Ann V. Kaufmann, a Registered  
Professional Reporter, Certified  
Realtime Reporter, Approved Reporter of  
the U.S. District Court, and a Notary  
Public.

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1 work that you have done prior to this  
2 case, have you reviewed any City of New  
3 York policies regarding the aesthetic  
4 quality of water to be served to its  
5 customers before coming here today?

6 A. I am not clear what you  
7 mean by "policies."

8 Q. Have you reviewed any  
9 document which was issued by the City of  
10 New York which includes in it a policy  
11 that says, "This is our position  
12 relative to the aesthetic quality of  
13 water we are going to serve to residents  
14 of the City of New York or our  
15 customers"?

16 A. I have no recollection of  
17 reviewing any document like that, no.

18 Q. In your tenure with the  
19 City of New York, are you aware of the  
20 City ever formally adopting any policy  
21 regarding the aesthetic quality of the  
22 water that it will deliver to its  
23 customers in writing?

24 A. So -- I am aware of former

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1      Commissioner Lloyd making a decision  
2      specific to the groundwater system that  
3      the utilization of the water from the  
4      groundwater system would be contingent  
5      upon the quality of that water being  
6      at -- either equal to or as close to  
7      equal to the quality of the water from  
8      our surface water supplies.

9            Q.        And approximately when did  
10     Commissioner Lloyd make that decision?

11          A.        Well, I took over my  
12     current position in August of '06 and  
13     she left the agency in the fall -- late  
14     fall, early winter of last year, which  
15     would have been '08. So it was some  
16     time in between, probably in '07, but  
17     I am not clear about the specific date.

18          Q.        And with regard to her  
19     decision, did she actually reduce it to  
20     writing and distribute it to employees  
21     of the department?

22          A.        I do not have a  
23     recollection that that happened.

24          Q.        And when was it that she